

Louisville Metro Planning Commission Public Hearing – December 15, 2016

Louisville Metro Land Development & Transportation Committee – November 10, 2016

Neighborhood Meeting - June 14, 2016

## Docket No. 16ZONE1033

Proposed change in zoning from R-4 to C-1 and C-2 and detailed district development plan to allow 27,255 sq. ft. of retail space and 2 small drive thru restaurants located at 6300 Greenwood Road

### GREENWOOD PLAZA

Attorneys: Bardenwerper, Talbott & Roberts, PLLC  
Land Planners, Landscape Architects & Engineers: Evans Griffin, Inc.; Urban 1, LLC; &  
Booker Design Collaborative, LLC

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9. Proposed findings of fact pertaining to compliance with the Comprehensive Plan and Waiver criteria

Tab I  
LOJIC Zoning Map



Tab 2

Aerial photograph of the site and  
surrounding area



HIPPANY CT

ROMAN DR

SONNETTE WAY

AROXIE CT

VENANGO DR

Ridgewood  
Bap. Church

WALLER LN

USPS

Pleasure Ridge  
Park High  
School

Speedway

BEAHL BLVD

GREENWOOD RD

Rite Aid

McDonald's

Family  
Dollar

River  
City  
Bank



Dewitt Dr.

TERRY RD

Kroger

TEAROSE DR

AZALEA LN

Moss Creek

WILLIAM DR

CONNIE DR

BREWER DR

DEWITT DR

MOSS CREEK DR

PLEASURE WALK CIR

St. Andrew's  
Academy

COLUMBINE DR

JONQUIL DR

WALLACE LN

Dewitt Dr.

Greenwood Rd

River City Bank

Dewitt Drive

6300 Greenwood Rd

**SITE**

Moss Creek

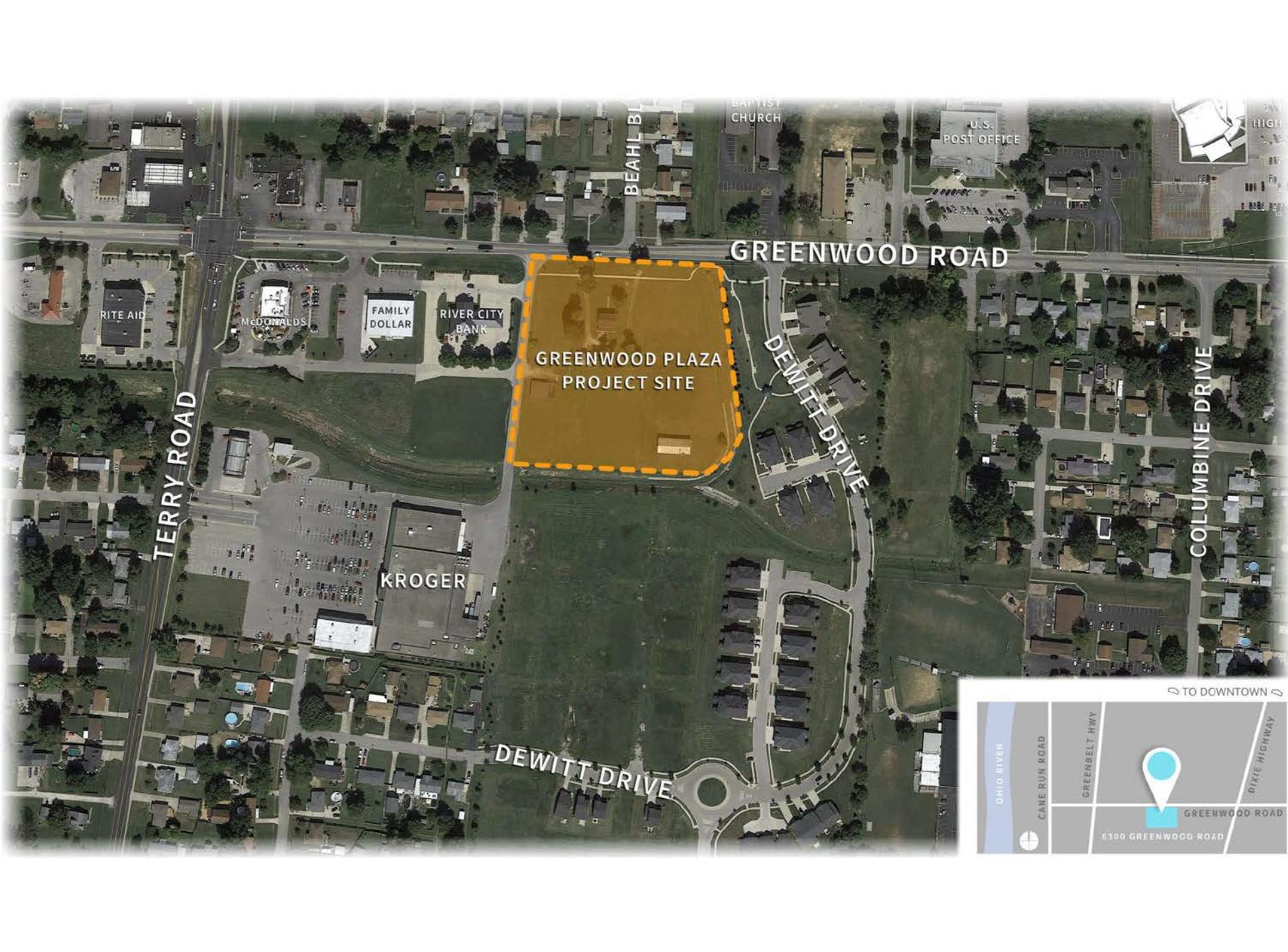
Access Road to/from Kroger

© 2016 Google

Google Earth

1992

38°08'36.40" N 85°52'07.24" W elev 453 ft eye alt 859 ft



GREENWOOD PLAZA  
PROJECT SITE

GREENWOOD ROAD

TERRY ROAD

BEAHL BL

BAPTIST  
CHURCH

U.S.  
POST OFFICE

RITE AID

MCDONALDS

FAMILY  
DOLLAR

RIVER CITY  
BANK

KROGER

DEWITT DRIVE

COLUMBINE DRIVE

DEWITT DRIVE



TO DOWNTOWN

OHIO RIVER

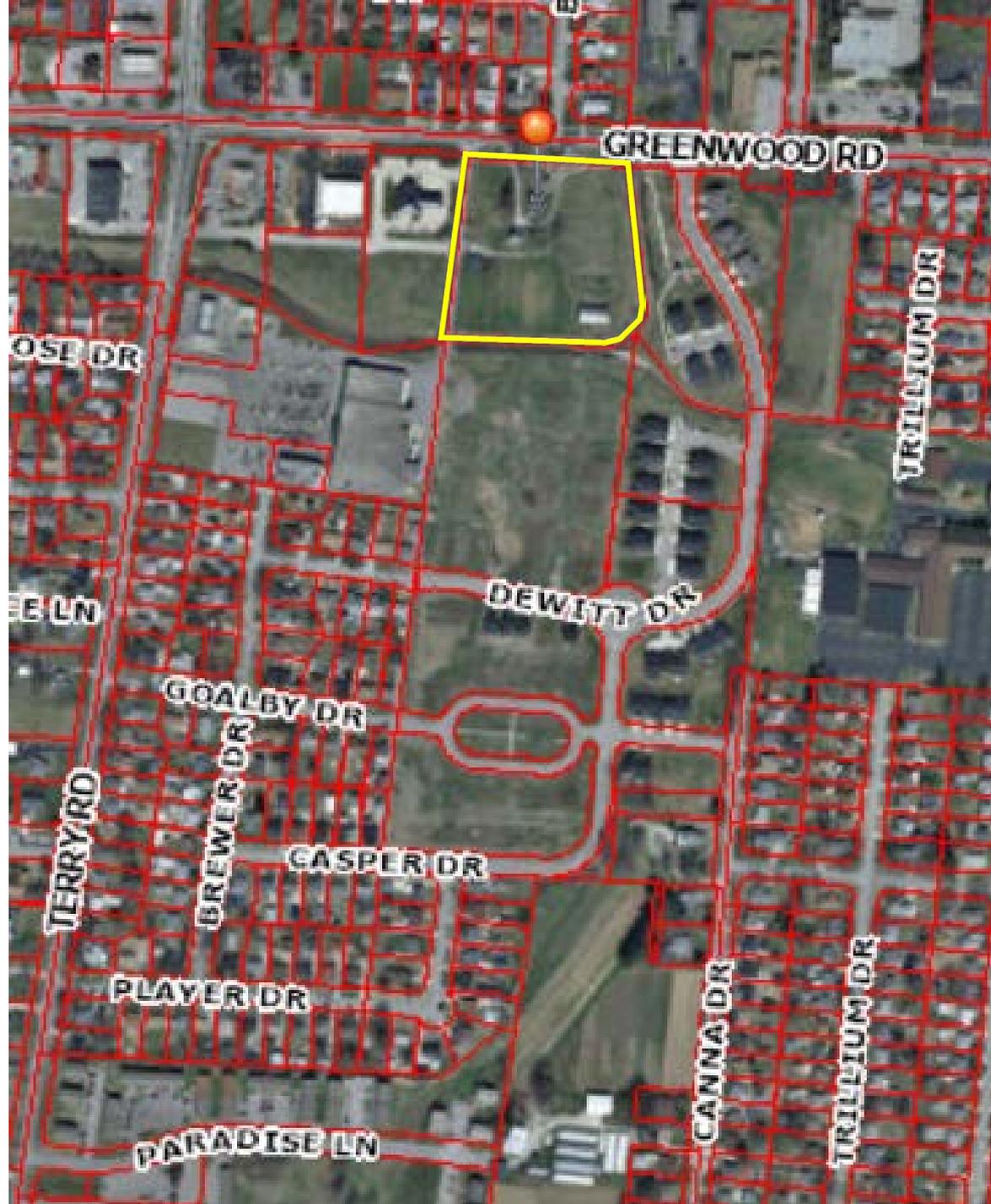
CAME RUN ROAD

GREENBELT HWY

BIKE HIGHWAY

GREENWOOD ROAD

6300 GREENWOOD ROAD



GREENWOOD RD

TRILLIUM DR

DEWITT DR

GOALBY DR

CASPER DR

TERRY RD

BREWER DR

PLAYER DR

PARADISE LN

CANNA DR

TRILLIUM DR

ROSE DR

... LN

## Tab 3

Ground level photographs of the site and  
surrounding area

Moss Creek

Dewitt Dr.

Greenwood Road

SITE

© 2016 Google  
© 2016 Google

Google Earth

38°08'37.41" N 85°52'03.86" W elev 465 ft eye alt 458 ft

Report a problem

Entrance to Moss Creek from Greenwood Rd. Site is to the right.

6242 6242 Greenwood Rd

Exit Street View

**SITE**

**Greenwood Road**

© 2016 Google  
© 2016 Google

Google Earth

38°08'39.34" N 85°52'07.54" W elev 457 ft eye alt 458 ft

Looking southwest towards site from Greenwood Rd.

KY-1931



Exit Street View

Moss Creek

SITE

Greenwood Road

Access Road to Kroger

Google Earth

© 2016 Google  
© 2016 Google

38°08'38.28" N 85°52'07.61" W elev 546 ft eye alt 461 ft

Looking east towards site from Greenwood Rd.

KY-1931



Exit Street View



**SITE**

**Access Road to Kroger**

**River City Bank**

© 2016 Google  
© 2016 Google

Google Earth

38°08'37.60" N 85°52'09.68" W elev 522 ft eye alt 461 ft

[Report a problem](#)

Looking south toward access road to Kroger from Greenwood Rd. Site is to the left (east).



**SITE**

**Access Road to Kroger**

**Kroger**

© 2016 Google  
© 2016 Google

**Google Earth**

38°08'34.57" N 85°52'11.05" W elev 474 ft eye alt 460 ft

Looking south down access road. Site is to the left.

River City Bank

Greenwood Road

Access Road to/from Kroger

SITE

© 2016 Google

© 2016 Google

Google Earth

38°08'38.33" N 85°52'08.52" W elev 502 ft eye alt 461 ft

Looking north down access road from Kroger, looking towards Greenwood Rd.

KY-1931



Exit Street View

SITE

River City Bank

Greenwood Rd.



© 2016 Google  
© 2016 Google

Google Earth

38°08'39.23" N 85°52'12.44" W elev 456 ft eye alt 464 ft

[Report a problem](#)

Adjacent commercial just west of site.

## Tab 4

Neighborhood Meeting notice list map, letter to neighbors inviting them to the meeting and summary of meeting

Adjoining property owner notice list map wherein 66 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



# GREENWOOD PLAZA

4010 Dupont Circle, Suite 700

Louisville, Kentucky 40207

Phone: (502) 753 - 2082

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May 31, 2016

Dear Neighbor,

**RE: Proposed change in zoning from R-4 to C-2 and detailed district development plan to allow a 27,255 sq. ft. shopping center with 2 small drive thru restaurants located just east of Terry Road at 6300 Greenwood Road; Case No. 16ZONE1033**

We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning and detailed district development plan to allow a 27,255 sq. ft. shopping center, with 2 small drive thru restaurants, at property located above.

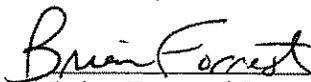
Accordingly, we have filed a plan for pre-application review on Monday, May 23<sup>rd</sup> with the Division of Planning and Design Services (DPDS) that has been assigned case number **16ZONE1033** and case manager, **Brian Mabry**. We would like to show and explain this plan to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Tuesday, June 14, at 7:00 p.m. at the Ridgewood Baptist Church** located at **6209 Greenwood Road**. *(Pull around to the rear of the church and enter through the covered porch door on the left, with the wheelchair ramp. Proceed through walkway to double doors and up ½ flight of stairs. Enter the door on the left at the top of the stairs labeled "Chapel Hall".)*

If you cannot attend the meeting but have questions or concerns, please call me, my attorney Nick Pregliasco at 426-6688, or my land planning and engineering firm representatives Jim Griffin at 899-9611.

We look forward to seeing you.

Sincerely,



\_\_\_\_\_  
Brian Forrest | Partner/Principal Broker  
Hoagland Commercial Realtors

cc: Hon. Rick Blackwell, Councilman, District 12  
Charles Cash, AIA, Urban 1, LLC  
Brian Mabry, case manager with Division of Planning & Design Services  
Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, PLLC  
Jim Griffin, land planners with Evans/Griffin, Inc.

### Neighborhood Meeting Summary

A neighbor meeting was held pursuant to required notice on June 14, 2016, commencing at 7pm at Ridgewood Baptist Church just across the street from the site on Greenwood Road. Nick Pregliasco, counsel for the applicant, explained the proposed development and nearby development and presented a PowerPoint presentation showing the proposed development plan, plus aerials of the site, and how everything developed around this site will relate one to the other. He showed the site plan, explained it, how drainage will work, how access will work, where parking will be located, what the setbacks will be and so on. He explained the one tenant that has been confirmed is Taco Bell and showed which location would be the Taco Bell. He showed the proposed design for the buildings and answered questions related thereto. He answered questions as to the internal circulation of traffic and parking in the site. He showed how this would be a natural extension of the adjoining commercially zoned property as there is no demand for additional residential development at this location. This is confirmed by the stalled condominium project adjacent to this site.

Mr. Pregliasco was assisted in his presentation by Charles Cash with Urban 1, LLC, Jim Griffin with Evans/Griffin, Inc. and Kristin Booker with Booker Design Collaborative, LLC. Also present was the representative for the applicant Brian Forrest. Mr. Forrest explained the concept of the center and the reasons he chose the property for the development. Mr. Forrest answered questions as to the type of tenants that he would seek for the remaining portions of the site.

Mr. Pregliasco answered questions as to traffic and explain how the traffic would flow. He answered questions as to drainage. He answered questions as to the layout and screening and buffering for the residential properties to the rear.

Most questions had to do with the need for this project with other vacant strip centers in the area and traffic. The new planned improvements all along Greenwood Road were discussed as well. Questions as to the screening and buffering that would be provided were addressed as well. Mr. Pregliasco answered questions as to the uses allowed in a C-1 zoning district and a C-2 zoning district and explained that the only reason for the C-2 as initially proposed related to very limited uses and the applicant would consider changing the application before filing to a C-1 zoning district request. The applicant agreed to same after the meeting as well.

Respectfully submitted,

Nick Pregliasco  
Bardenwerper Talbott & Roberts  
BIA of Greater Louisville Bldg, 2d Fl  
1000 N. Hurstbourne Parkway  
Louisville, KY 40223

Tab 5  
Development Plan



GREENWOOD ROAD

TO DOWNTOWN LOUISVILLE ▶

ACCESS ROAD

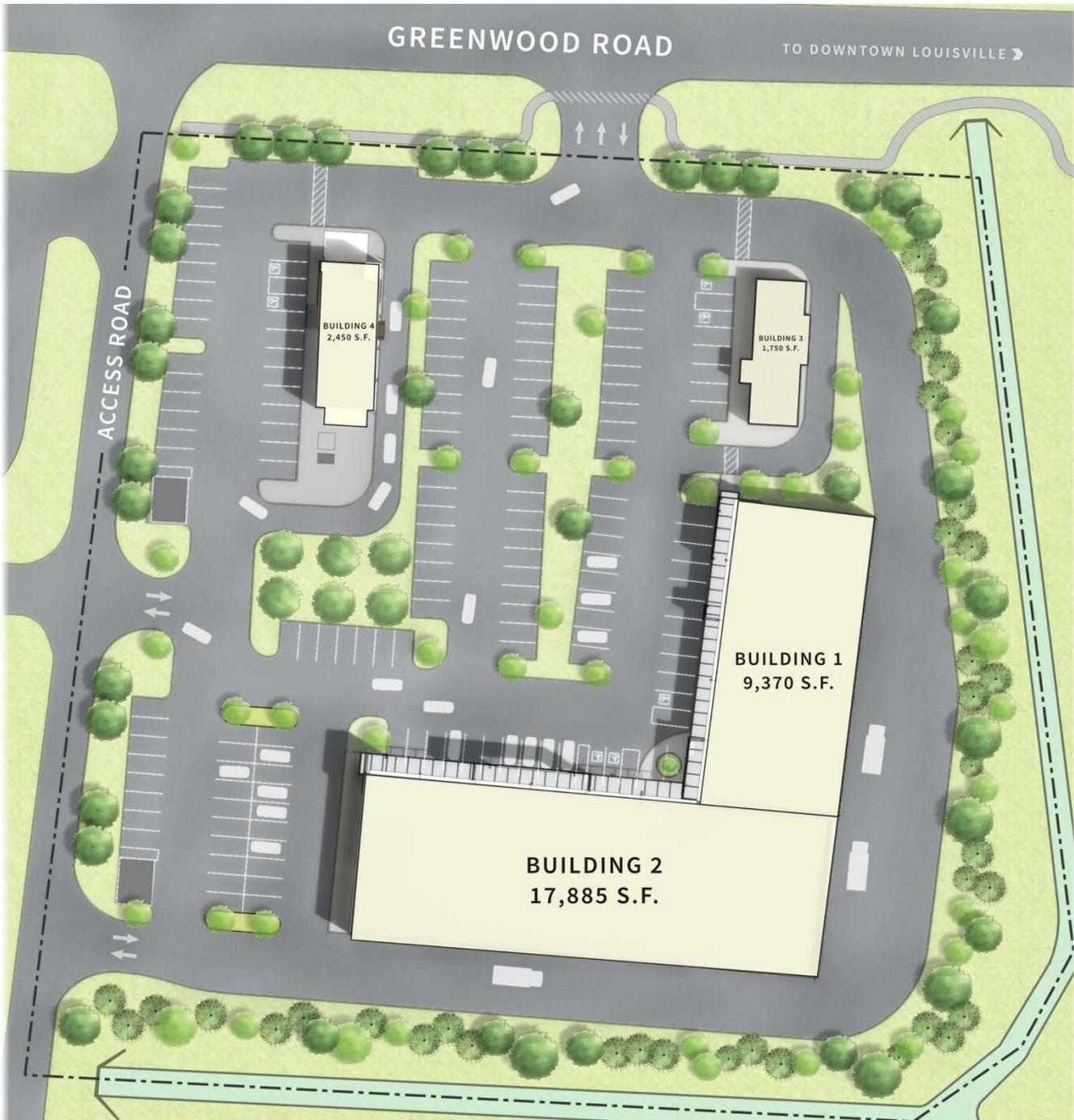
BUILDING 4  
2,450 S.F.

BUILDING 3  
1,750 S.F.

BUILDING 1  
9,370 S.F.

BUILDING 2  
17,885 S.F.

ISSUED FOR REVIEW 12/08/16



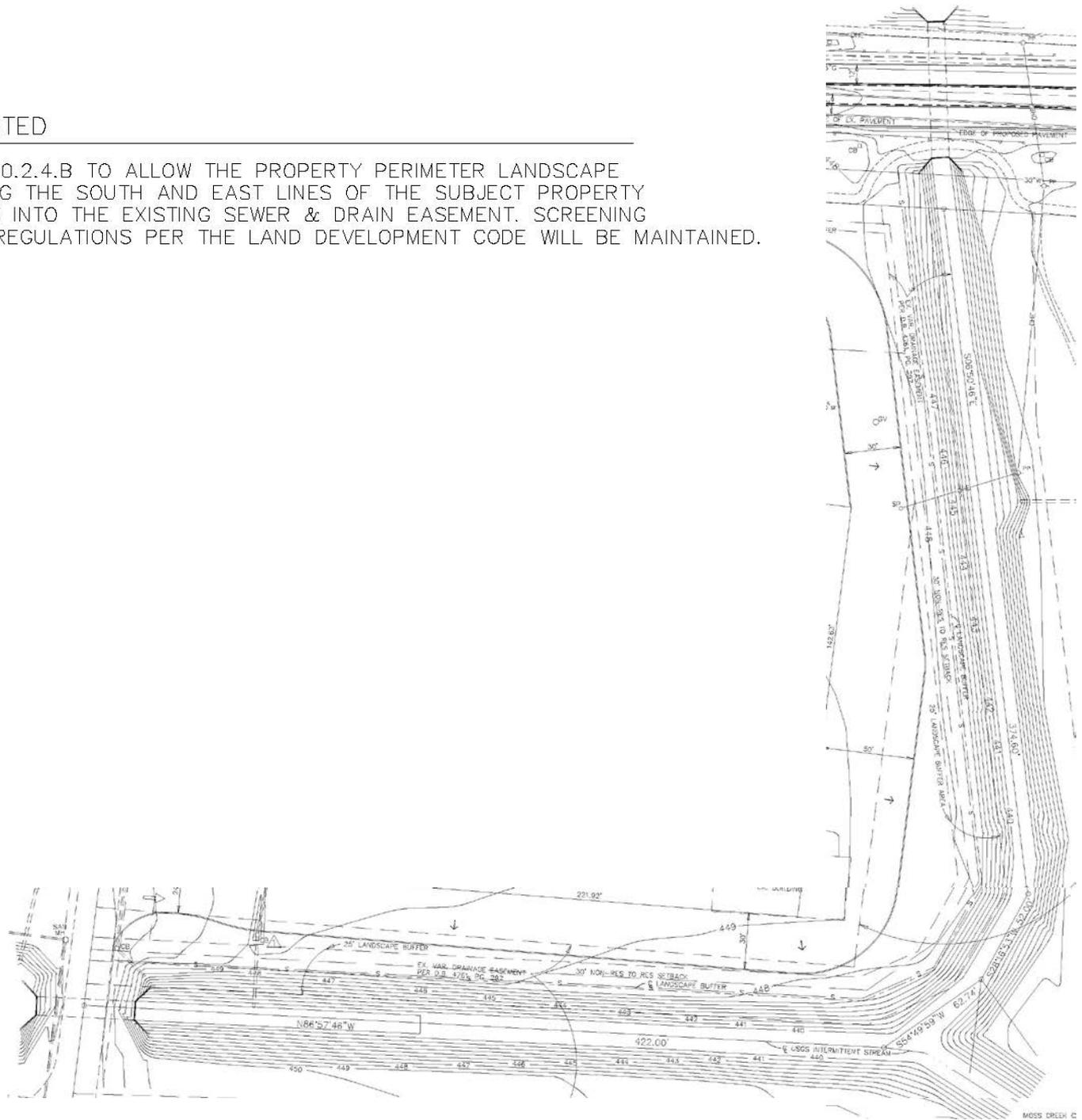


# Proposed Additional Binding Element

- ◇ All C-2 uses other than drive-thru restaurant use and those allowed in the C-1 zoning district are prohibited in the C-2 zoned portion of the property.

# WAIVER REQUESTED

1. A WAIVER OF LDC 10.2.4.B TO ALLOW THE PROPERTY PERIMETER LANDSCAPE BUFFER AREA ALONG THE SOUTH AND EAST LINES OF THE SUBJECT PROPERTY TO ENCROACH 100% INTO THE EXISTING SEWER & DRAIN EASEMENT. SCREENING AND LANDSCAPING REGULATIONS PER THE LAND DEVELOPMENT CODE WILL BE MAINTAINED.



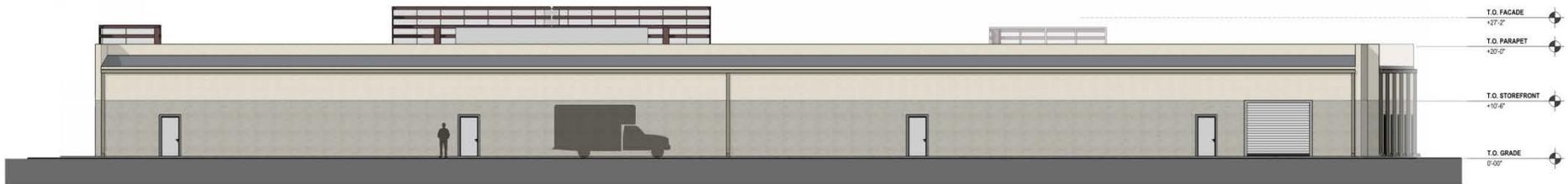
Tab 6  
Building Elevations



NORTH ELEVATION - BUILDINGS "1 & 2"



EAST ELEVATION - BUILDINGS "1 & 2"



SOUTH ELEVATION - BUILDINGS "1 & 2"



WEST ELEVATION - BUILDINGS "1 & 2"



MAIN BUILDING ENTRANCE PERSPECTIVE



PERSPECTIVE LOOKING SOUTH



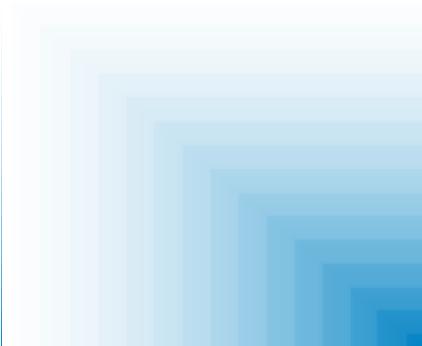
MAIN BUILDING ENTRANCE PERSPECTIVE





BIRDSEYE PERSPECTIVE

Tab 7  
Traffic Study



REPORT

**Greenwood Plaza  
6300 Greenwood Road  
Louisville, KY**

**Traffic Impact Study**

Louisville Metro Planning  
Commission

September 12, 2016



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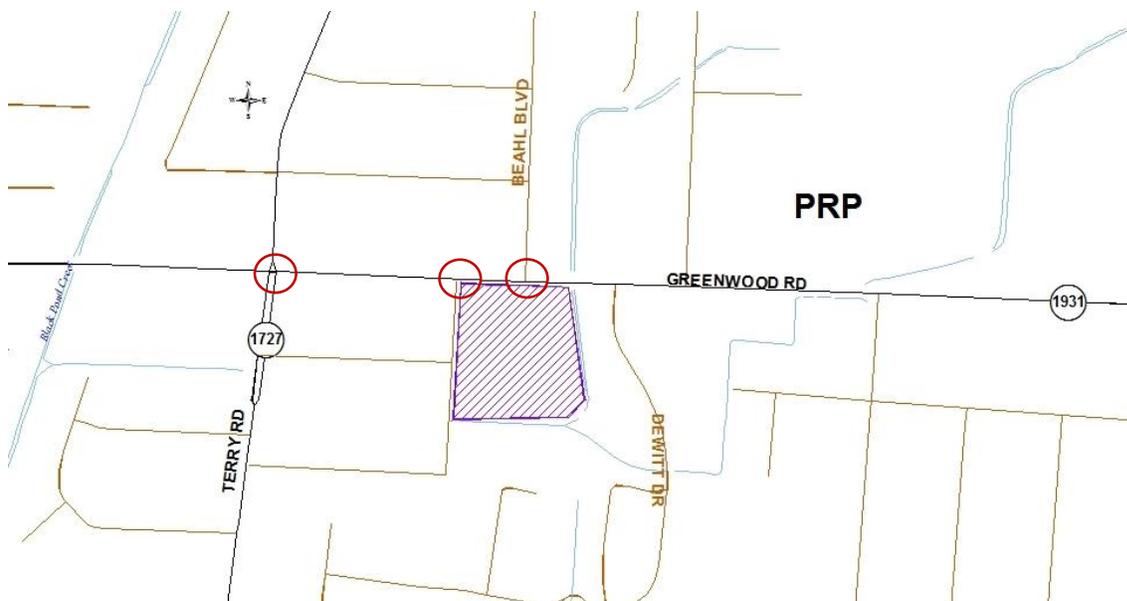
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# Introduction

The proposed Greenwood Plaza development in Louisville, KY is located on Greenwood Road (KY 1931), near the intersection with Beahl Boulevard. The site plan shows 27,255 square feet of retail space plus two fast-food restaurants totaling 4,200 square feet. Access to the development is from Greenwood Road and the adjacent access road. **Figure 1** displays a map of the site. The purpose of this study is to examine the traffic impacts of the proposed development upon the adjacent highway system. For this study the impact area was defined to be the intersections of Greenwood Road at Beahl Boulevard, access road for River City Bank, and Terry Road, (KY 1727).



**Figure 1**  
Site Location

## Existing Conditions

Greenwood Road (KY 1931) is maintained by the Kentucky Transportation Cabinet with an estimated 2016 ADT of 17,000 vehicles per day between Terry Road and Dixie Highway, as estimated from the 2013 KYTC count at station 653. The road is a two lane road with ten-foot lanes and four-foot stabilized shoulders. The intersection at Terry Road is controlled with a traffic signal and there is a left turn lane on each approach. To the east of Dewitt Drive a two-way left turn lane has been provided to Alyssum Drive/Sky Blue Avenue. The posted speed limit is 35 mph. There is a sidewalk on the property. TARC operates along Greenwood Road.

A.m. and p.m. peak hour traffic counts were obtained at the intersections on August 18, 2016 (see Appendix A). The a.m. peak hour occurred between 7:00 and 8:00 and the p.m. peak hour occurred between 5:00 and 6:00 p.m. **Figure 2** illustrates the existing peak hour traffic volumes.

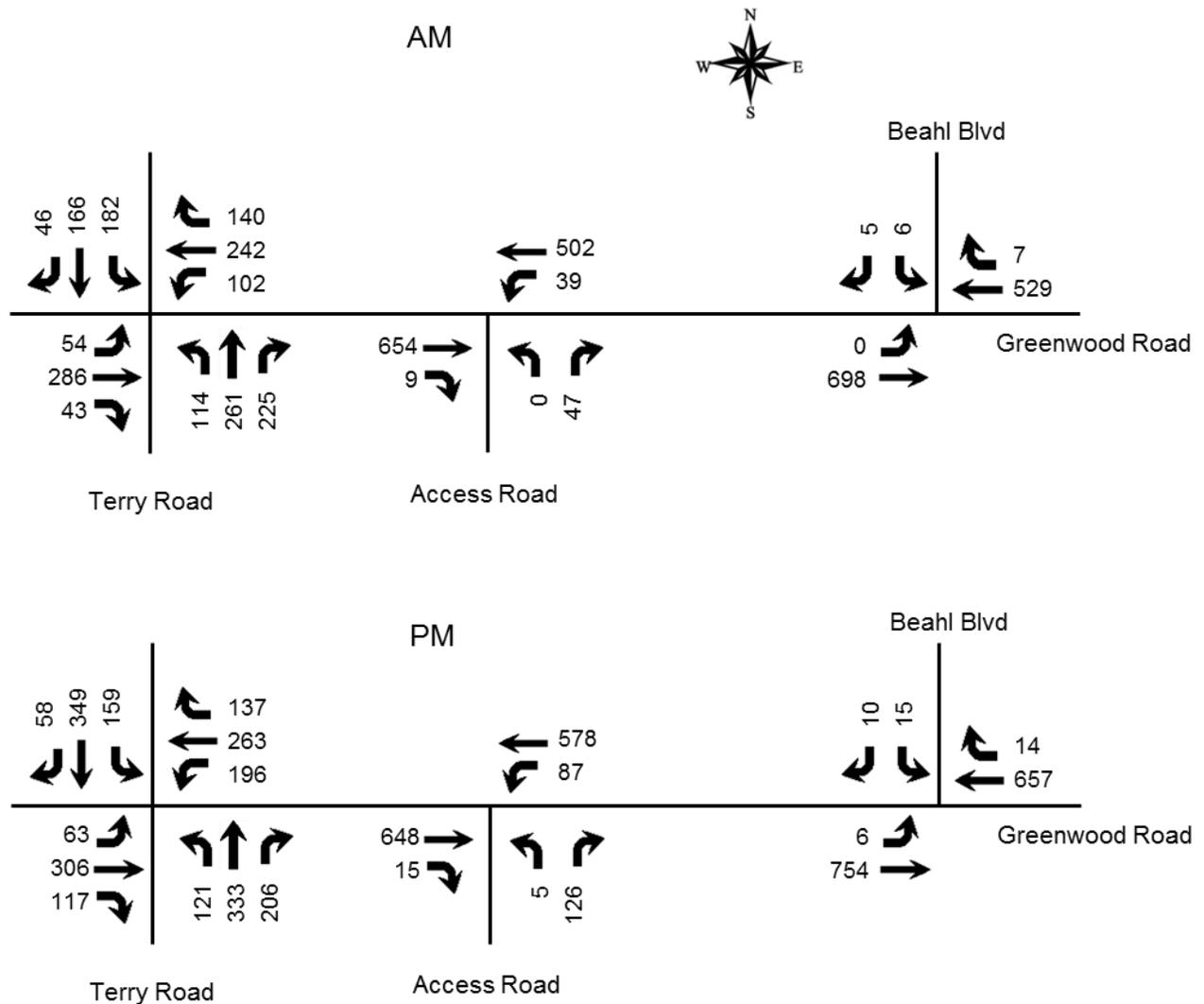


Figure 2  
2016 Peak Hour Counts

## Future Conditions

The projected completion year for this development is 2018, so the analysis year for this study is 2018. To predict traffic conditions in 2018, one percent annual growth in traffic was added to the counts. This growth is based upon a review of the historical count data by the Kentucky Transportation Cabinet. **Figure 3** displays the 2018 No Build volumes.

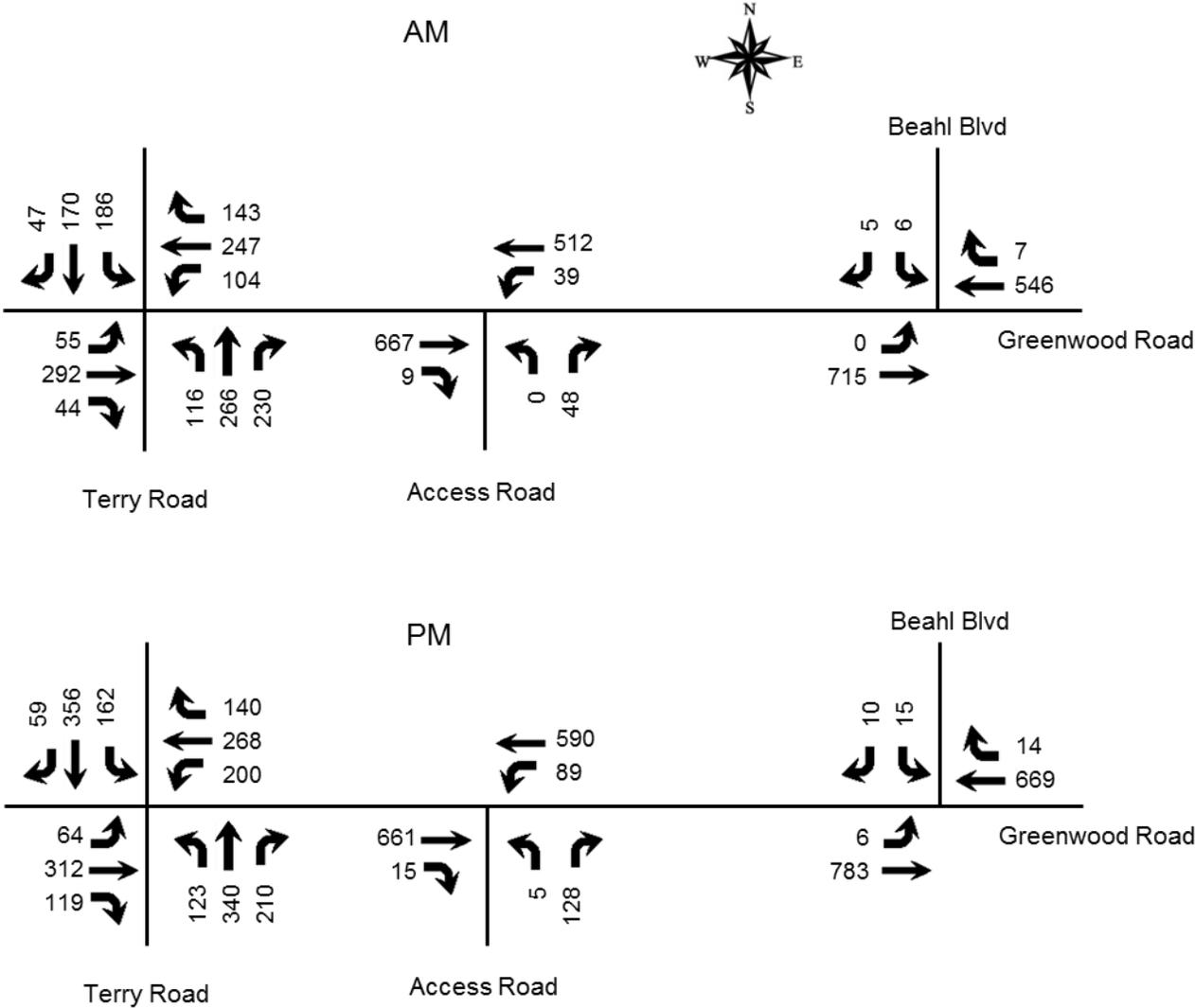


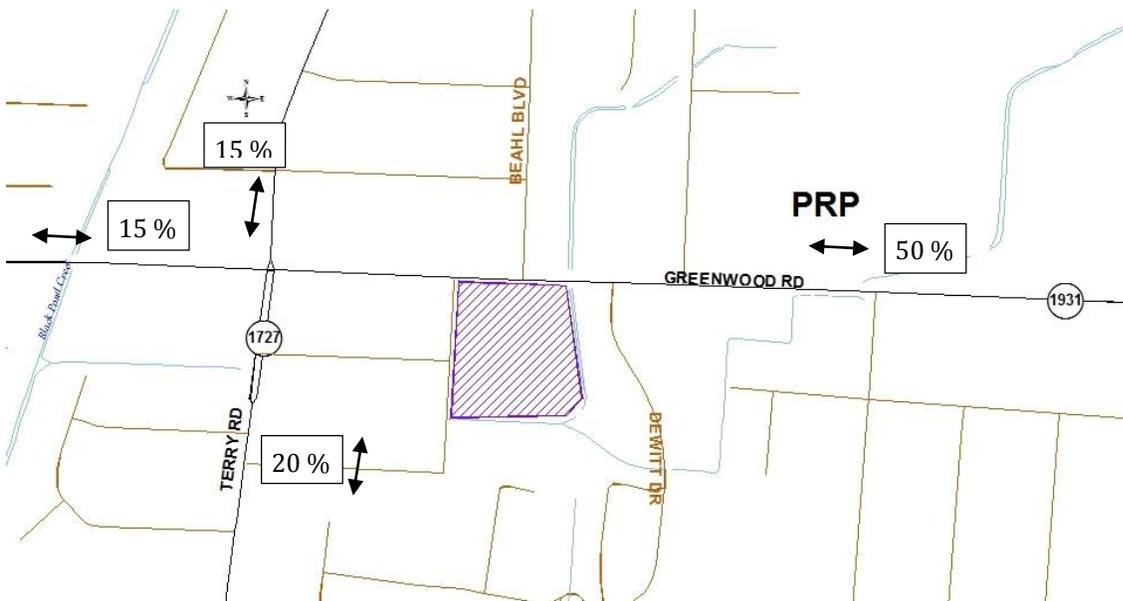
Figure 3  
2018 No Build Peak Hour Volumes

### Trip Generation

The Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition contains trip generation rates for a wide range of developments. The land uses of “Specialty Retail (826)” and “Fast-Food Restaurant with Drive-Through Window (934)” best describe this development. The trip generation results are listed in **Table 2**. The results of the trip generation analysis are that this development will generate 133 a.m. peak hour trips and 163 p.m. peak hour trips. The trips were assigned to the highway network with the percentages shown in **Figure 4**. **Figure 5** shows the trips generated by this development and distributed throughout the road network for the year 2018 during the peak hours. **Figure 6** displays the individual turning movements for the year 2018 for the peak hours when the development is completed.

**Table 1 – Trip Generation apartments**

	AM Peak Hour			PM Peak Hour		
	Total	Enter	Exit	Total	Enter	Exit
Specialty Retail (27,255 sq. ft.)	71	44	27	87	38	49
Fast-Food (4,200 sq. ft.)	191	98	93	137	71	66
<b>TOTAL</b>	<b>262</b>	<b>142</b>	<b>120</b>	<b>224</b>	<b>109</b>	<b>115</b>



**Figure 4**  
**Trip Distribution Percentages**

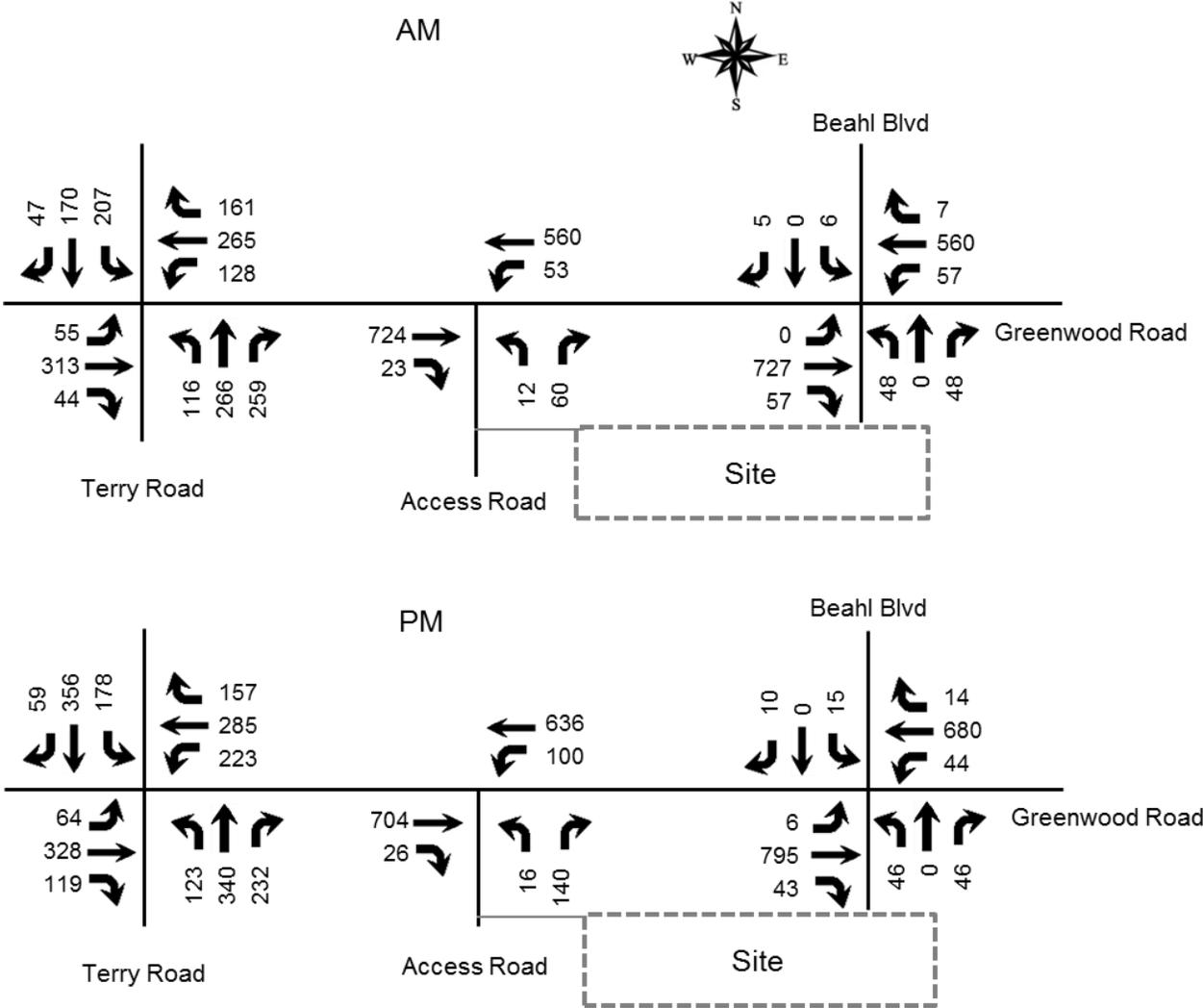


Figure 6  
2018 Build Peak Hour Volumes

### Analysis

The qualitative measure of operation for a roadway facility or intersection is evaluated by assigning a “Level of Service” or LOS. Level of Service is a ranking scale from A through F with each level representing a range. LOS results depend upon the type of facility that is analyzed. In this case, the LOS is based upon the average vehicle delay each movement experiences at an intersection.

To evaluate the impact of the proposed development, the vehicle delays at the intersection were determined using procedures detailed in the Highway Capacity Manual, 2010 edition. Future delay and Level of Service were determined for the intersection using HCS 2010 Streets software (version 6.80). **Table 3** shows the results of the analysis for the three scenarios analyzed. The full printouts are included in Appendix B.

Table 2 - Level of Service Results

	AM Peak Hour			PM Peak Hour		
	2016 Existing	2018 No Build	2018 Build	2016 Existing	2018 No Build	2018 Build
<b>Greenwood Road at Terry Road</b>	<b>D</b> <b>36.3</b>	<b>D</b> <b>36.8</b>	<b>D</b> <b>39.1</b>	<b>D</b> <b>38.4</b>	<b>D</b> <b>39.1</b>	<b>D</b> <b>41.7</b>
Greenwood Road Eastbound	D 44.2	D 44.2	D 45.1	E 55.0	E 55.8	E 59.1
Greenwood Road Westbound	D 48.5	D 48.6	D 49.5	D 39.2	D 39.5	D 42.3
Terry Road Northbound	C 29.4	C 30.4	C 34.0	C 31.0	C 31.9	C 34.4
Terry Road Southbound	C 24.3	C 25.0	C 27.0	C 31.9	C 32.9	C 34.5
<b>Greenwood Road at Access Road</b>						
Greenwood Road Westbound (left)	A 9.8	A 9.9	B 10.4	A 9.5	A 9.5	A 9.9
Access Road Northbound	C 16.1	C 16.5	C 16.6	C 16.8	C 17.2	C 20.7
<b>Greenwood Road at Beahl Blvd/Entrance</b>						
Greenwood Road Eastbound (left)	A 8.7	A 8.8	A 9.0	A 9.0	A 9.1	A 9.1
Greenwood Road Westbound (left)	NA	NA	B 10.5	NA	NA	A 9.8
Entrance Northbound	NA	NA	D 27.8	NA	NA	C 23.4
Beahl Boulevard Southbound	C 24.1	D 25.2	D 30.0	D 27.9	D 29.5	D 26.3

Note: Level of Service, delay in seconds

KYTC has an active project to widen Greenwood Road from Dixie Highway to Greenbelt Road. The project will widen Greenwood Road to include a two-way left turn lane along Greenwood Road. At the intersection with Terry Road right turn lanes will be added on all approaches. The results at the entrance/Beahl Road assume the project has been constructed.

## Conclusions

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2018, there will be a minor impact to the existing highway network. The improvements provided by the KYTC project will provide acceptable operating conditions.

## Tab 8

Statement of Compliance filed with the original  
zone change application with all applicable  
Guidelines and Policies of the Cornerstone  
2020 Comprehensive Plan and Waiver  
Justification

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

## **STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN**

Applicant: Brian Forrest

Owner: Irma Waller

Location: 6300 Greenwood Road

Proposed Use: Retail/Restaurant Center

Engineers, Land Planners and  
Landscape Architects: Evans Griffin

Request: Zone Change from R-4 to C-1

### **INTRODUCTION**

This property has been one of the remaining decent size residential properties surrounded by recent developments, with commercial developments to the West along Greenwood Road and surrounded on the East and South by the McBride Moss Creek condominium development. There is no market for this property for a residential development as the Moss Creek residential development has been stalled for almost 10 years and is still not fully complete. The property has good access off Greenwood Road and off the access easement serving River City Bank and the Kroger center and near the intersection of Terry Road and Greenwood Road. It is already an “activity center” location because of the proximity to the River City Bank and other commercial developments to the west as well as Kroger Center, not to mention the church across the street.

### **GUIDELINE 1 – COMMUNITY FORM**

The application complies with the Suburban Neighborhood Form District description of an area characterized by *predominantly* residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services so long as these uses are at a scale appropriate for the nearby neighborhoods. This small retail center is precisely what is contemplated by the Suburban Neighborhood Form District. Indeed, when the above-referenced condominium development community was originally approved there were discussions about the lack of restaurant other retail in close walking distance proximity, which this would provide, in order to round out the “activity center” that the condominium development community and other above-named uses are a part of.

### **GUIDELINE 2 – CENTERS**

The application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 14 and 15 of this Guideline as follows.

The subject property adjoins the mixture of commercial, high-density residential condominiums and single-family residential uses mentioned above, placing it in the activity center that already exists in and around this location. With goods and services available in close proximity to the west of this site and at the Kroger center and the residential uses mentioned above, this small retail center adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods, some of whose residents will be able to walk to this small center for food or to shop at the retail establishments. Others will find it a convenient stop on their ways home returning west along Greenwood Road or North on Terry Road.

As an “activity center”, it is appropriately located along a minor arterial road very close to Terry Road, also a minor arterial road, expanding the existing activity center to the west, and it is designed to be of intensity, density, size and mix of uses appropriate for a small neighborhood center. Everything within this small center is compact, and it presently is contemplated to include four buildings: a Taco Bell restaurant, another fast food restaurant or coffee shop, and two retail buildings which are connected. They share parking and work off the same utility infrastructure.

### **GUIDELINE 3 – COMPATIBILITY**

The application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24 and 28 of this Guideline as follows.

As set forth above, this is a small neighborhood-serving retail center. It will have an attractive look and feel in accordance with the style and design concepts accompanying this application and as shown at the neighborhood meeting, and the elevations to be shown at the public hearing. Odors would only exist as a consequence of the proposed restaurants, but those are located along the Greenwood Road portion of the site the furthest away from the adjoining residential properties, which are further separated by the sewer and drainage easement, further buffering the these developments. Noise would only potentially emanate from the latter hours of the restaurants as the retail portion is not anticipated to have any form of late hours. But residential properties potentially impacted by such nuisances are located significant distances away. Lighting will follow restrictions of the Land Development Code (LDC) and thus be directed down and away from nearby residential properties, with 90 degree cut-off at property lines. Transitions to adjoining properties on the south and east side will be attractively screened with the required landscaping as well as the increased distance of the drainage easement. Parking will be shared. Loading and delivery will be located and/or screened so as to minimize impacts on nearby properties. Signage will be in conformance with the LDC.

### **GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

The application complies with the Intents and applicable Policies 2, 5, 6 and 11 of this Guideline as follows.

As set forth above, this property is located along Greenwood Road and close to Terry Road, both of which are minor arterials, with significant improvements to Greenwood Road already approved. Due to the location of the property, surrounded by commercial development to the west and a stalled residential development to the south and east, the property no longer has any residential viability for development. As part of an existing activity center, it is designed to be a

high quality, neighborhood compatible retail center with much needed restaurant uses. It is located close to fairly intense residential populations the length of Greenwood Road from Greenbelt Highway to Dixie Highway and along minor arterial-level streets connecting with Greenwood Road, such as Terry Road. Absent this rezoning application, this no longer suitable single-family property could not be reused in virtually any other manner.

**GUIDELINE 7, 8 AND 9 – CIRCULATION, TRANSPORTATION FACILITY DESIGN AND BICYCLE, PEDESTRIAN AND TRANSIT**

The application complies with the Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of Guideline 7; Policies 1, 4, 5, 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

As mentioned above, Greenwood Road is slated for near-term reconstruction and improvement. This will move traffic much more efficiently along this busy arterial roadway. The traffic from this development will have access off of Greenwood Road and off the private access easement serving the Kroger center. Also, the intersection of Greenwood Road and Terry Road is already a signalized one, which helps with traffic flows through that intersection and into and out of this site by creating traffic gaps for vehicles to safely enter and exit. Furthermore, the design of this small center, together with its points of access, take into account the standards promulgated by KTC and Metro Transportation Planning and Public Works. The latter will be required to review the detailed district development plan (DDDP) submitted with this application prior to time of LD&T and Planning Commission public reviews, or this application will not be publicly heard. That review and preliminary stamp of approval will assure that Transportation Planning and Public Works standards for corner clearances, access, connectivity, internal circulation and parking minimums are all satisfied. Bike racks and sidewalks will be provided as required.

**GUIDELINES 10 - FLOODING AND STORMWATER**

The application complies with the Intents and applicable Policies 1, 3, 4, 6, 7, 10 and 11 of this Guideline as follows.

Stormwater drainage will be addressed through the very significant drainage easement to the south and east, in compliance with MSD's standards for storm water management. MSD will be required to review the storm water management plan and give its preliminary stamp of approval to the DDDP prior to docketing for LD&T and Planning Commission public reviews. The applicant is in the process of obtaining traffic counts as well for review. The applicant's professional representatives have met with MSD to review area resident concerns about use of the existing drainage easement.

**GUIDELINE 11 – WATER QUALITY**

The application complies with the Intents and applicable Policies 3, 5 and 8 of this Guideline as follows.

MSD has promulgated both soil erosion/sedimentation control regulations and even newer ones with respect to water quality. Construction plans for this center will require compliance with these regulations prior to obtaining building permits.

**GUIDELINE 12 – AIR QUALITY**

The application complies with the Intents and applicable Policies 2, 4, 7 and 8 of this Guideline as follows.

This proposed extension of a small neighborhood center in close proximity to a large residential support population, notably along close to the intersection of two minor arterial roads, not only will vehicle miles traveled be reduced, but also customers already driving these road systems will be able to pop in and pop out of this center without having to travel greater distances for the exact same services.

**GUIDELINE 13 – LANDSCAPE CHARACTER**

The application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

Compliance with this Guideline is achieved by virtue of compliance with LDC requirements. But as stated above, landscaping, screening and buffering will exceed LDC requirements, as promised neighbors at the neighborhood meeting.

\* \* \*

For all the reasons listed above and as will be further explained at LD&T and the public hearing, the application complies with the listed and all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and should be approved.

Respectfully submitted,

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**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
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### **General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.2.4.B to allow the perimeter LBA along the south and east property lines to encroach 100% into the existing sewer and drainage easement.

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the LBA will still exist and provide the buffer as required, although a portion of it will include utilities that the land planners and landscape architects will work with MSD to provide landscaping in the easement area to be replaced if needed due to work in the easement. Because the drainage easement is approximately 75 feet wide, this drainage easement will further help to buffer the adjoining residential properties from this development by providing a far greater distance between the development and any neighboring residences.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the LBA will otherwise fully comply with the LDC, and the part affected by utilities will attempt to work around them with enhanced or alternative landscaping worked out by the land planners and landscape architects working on this plan with MSD. The full screening buffer required by the LDC will be provided.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because greater setback would cause unnecessary issues with the layout of the proposed development when the full screening will be provided.

## Tab 9

Proposed findings of fact pertaining to  
compliance with the Comprehensive Plan and  
Waiver criteria

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ATTORNEYS AT LAW

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## PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE2020 COMPREHENSIVE PLAN

Applicant: Brian Forrest  
Owner: Irma Waller  
Location: 6300 Greenwood Road  
Proposed Use: Retail/Restaurant Center  
Engineers, Land Planners and Landscape Architects: Evans Griffin  
Request: Zone Change from R-4 to C-1 and C-2

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on December 15, 2016 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

### **INTRODUCTORY STATEMENT**

**WHEREAS**, this property has been one of the remaining decent size residential properties surrounded by recent developments, with commercial developments to the West along Greenwood Road and surrounded on the East and South by the McBride Moss Creek condominium development; there is no market for this property for a residential development as the Moss Creek residential development has been stalled for almost 10 years and is still not fully complete; the property has good access off Greenwood Road and off the access easement serving River City Bank and the Kroger center and near the intersection of Terry Road and Greenwood Road; and it is already an "activity center" location because of the proximity to the River City Bank and other commercial developments to the west as well as Kroger Center, not to mention the church across the street, with only the portion of the development along Greenwood Road proposed for C-2 zoning with the applicant proposing a use binding element to restrict the C-2 zoned portion of the property to a drive thru restaurant and the uses allowed in the C-1 zoning district; and

### **GUIDELINE 1 – COMMUNITY FORM**

**WHEREAS**, the application complies with the Suburban Neighborhood Form District description of an area characterized by *predominantly* residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services so long as these uses are at a scale appropriate for the nearby neighborhoods; this small retail center is precisely what is contemplated by the Suburban Neighborhood Form District; indeed, when the above-referenced condominium development community was originally approved there were

discussions about the lack of restaurant and other retail in close walking distance proximity, which this would provide, in order to round out the “activity center” that the condominium development community and other above-named uses are a part of; and

### **GUIDELINE 2 – CENTERS**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 14 and 15 of this Guideline because the subject property adjoins the mixture of commercial, high-density residential condominiums and single-family residential uses mentioned above, placing it in the activity center that already exists in and around this location; with goods and services available in close proximity to the west of this site and at the Kroger center and the residential uses mentioned above, this small retail center adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods, some of whose residents will be able to walk to this small center for food or to shop at the retail establishments; others will find it a convenient stop on their ways home returning west along Greenwood Road or North on Terry Road; and

**WHEREAS**, as an “activity center”, it is appropriately located along a minor arterial road very close to Terry Road, also a minor arterial road, expanding the existing activity center to the west, and it is designed to be of intensity, density, size and mix of uses appropriate for a small neighborhood center; everything within this small center is compact, and it presently is contemplated to include four buildings: a Taco Bell restaurant, another fast food restaurant or coffee shop, and two retail buildings which are connected; and they share parking and work off the same utility infrastructure; and

### **GUIDELINE 3 – COMPATIBILITY**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24 and 28 of this Guideline because, as set forth above, this is a small neighborhood-serving retail center; it will have an attractive look and feel in accordance with the style and design concepts accompanying this application and as shown at the neighborhood meeting, and the elevations to be shown at the public hearing; odors would only exist as a consequence of the proposed restaurants, but those are located along the Greenwood Road portion of the site the furthest away from the adjoining residential properties, which are further separated by the sewer and drainage easement, further buffering the these developments; noise would only potentially emanate from the later hours of the restaurants as the retail portion is not anticipated to have any form of late hours; but residential properties potentially impacted by such nuisances are located significant distances away; lighting will follow restrictions of the Land Development Code (LDC) and thus be directed down and away from nearby residential properties, with 90 degree cut-off at property lines; transitions to adjoining properties on the south and east side will be attractively screened with the required landscaping as well as the increased distance of the drainage easement and parking will be shared; loading and delivery will be located and/or screened so as to minimize impacts on nearby properties and signage will be in conformance with the LDC, with only the portion of the development along Greenwood Road proposed for C-2 zoning with the applicant proposing a use binding element to restrict the C-2 zoned portion of the property to a drive thru restaurant and the uses allowed in the C-1 zoning district, which will eliminate any objectionable C-2 uses; and

## **GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

**WHEREAS**, the application complies with the Intents and applicable Policies 2, 5, 6 and 11 of this Guideline because, as set forth above, this property is located along Greenwood Road and close to Terry Road, both of which are minor arterials, with significant improvements to Greenwood Road already approved; due to the location of the property, surrounded by commercial development to the west and a stalled residential development to the south and east, the property no longer has any residential viability for development; as part of an existing activity center, it is designed to be a high quality, neighborhood compatible retail center with much needed restaurant uses; it is located close to fairly intense residential populations the length of Greenwood Road from Greenbelt Highway to Dixie Highway and along minor arterial-level streets connecting with Greenwood Road, such as Terry Road; and absent this rezoning application, this no longer suitable single-family property could not be reused in virtually any other manner; and

## **GUIDELINE 7, 8 AND 9 – CIRCULATION, TRANSPORTATION FACILITY DESIGN AND BICYCLE, PEDESTRIAN AND TRANSIT**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of Guideline 7; Policies 1, 4, 5, 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 because, as mentioned above, Greenwood Road is slated for near-term reconstruction and improvement; this will move traffic much more efficiently along this busy arterial roadway; the traffic from this development will have access off of Greenwood Road and off the private access easement serving the Kroger center; also, the intersection of Greenwood Road and Terry Road is already a signalized one, which helps with traffic flows through that intersection and into and out of this site by creating traffic gaps for vehicles to safely enter and exit; furthermore, the design of this small center, together with its points of access, take into account the standards promulgated by KTC and Metro Transportation Planning and Public Works; the latter required a review and preliminary approval of a traffic study with traffic counts and a detailed district development plan (DDDP) submitted with this application prior to time of docketing for LD&T and Planning Commission public reviews; and that review and preliminary stamp of approval assures that Transportation Planning and Public Works standards for corner clearances, access, connectivity, internal circulation and parking minimums are all satisfied; and bike racks and sidewalks will be provided as required; and

## **GUIDELINES 10 - FLOODING AND STORMWATER**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 3, 4, 6, 7, 10 and 11 of this Guideline because stormwater drainage will be addressed through the very significant drainage easement to the south and east, in compliance with MSD's standards for storm water management; MSD reviewed the storm water management plan and gave its preliminary stamp of approval to the DDDP prior to docketing for LD&T and Planning Commission public reviews; and the applicant's professional representatives have met with MSD to review area resident concerns about use of the existing drainage easement; and

**GUIDELINE 11 – WATER QUALITY**

**WHEREAS**, the application complies with the Intents and applicable Policies 3, 5 and 8 of this Guideline because MSD has promulgated both soil erosion/sedimentation control regulations and even newer ones with respect to water quality; and construction plans for this center will require compliance with these regulations prior to obtaining building permits; and

**GUIDELINE 12 – AIR QUALITY**

**WHEREAS**, the application complies with the Intents and applicable Policies 2, 4, 7 and 8 of this Guideline because this proposed extension of a small neighborhood center in close proximity to a large residential support population, notably along close to the intersection of two minor arterial roads, not only will vehicle miles traveled be reduced, but also customers already driving these road systems will be able to pop in and pop out of this center without having to travel greater distances for the exact same services; and

**GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline because compliance with this Guideline is achieved by virtue of compliance with LDC requirements and as stated above, landscaping, screening and buffering will exceed LDC requirements, as promised neighbors at the neighborhood meeting; and

\* \* \* \* \*

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to C-1/C-2 and approves the Detailed District Development Plan.

WAIVER FINDINGS OF FACT

Waiver of Section 10.2.4.B to allow the perimeter LBA along the south and east property lines to encroach 100% into the existing sewer and drainage easement.

Explanation of Waiver:

**WHEREAS**, the waiver will not adversely affect adjacent property owners because the LBA will still exist and provide the buffer as required, although a portion of it will include utilities that the land planners and landscape architects will work with MSD to provide landscaping in the easement area to be replaced if needed due to work in the easement; because the drainage easement is approximately 75 feet wide, this drainage easement will further help to buffer the adjoining residential properties from this development by providing a far greater distance between the development and any neighboring residences; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application; and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the LBA will otherwise fully comply with the LDC, and the part affected by utilities will be addressed by the applicant working around them with enhanced or alternative landscaping worked out by the land planners and landscape architects working on this plan with MSD and the full screening buffer required by the LDC will be provided; and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because greater setback would cause unnecessary issues with the layout of the proposed development limiting required circulation when the full screening will be provided; and

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby approves this Waiver.